

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

File No. 22-CR-86-2 (JWB/ECW)

United States of America,

Plaintiff,

v.

Gabriel Lemoine,

Defendant.

GABRIEL LEMOINE'S
MOTION IN LIMINE TO
PRECLUDE TESTIMONIAL
HEARSAY

COMES NOW Defendant, and pursuant to the VIth Amendment to the United States Constitution and *Crawford v. Washington*, 541 U.S. 36, 124 S. Ct. 1354, 158 L.Ed.2d 177 (2004) and its progeny, hereby moves the Court for a ruling *in limine* prohibiting the government from asking any questions that would elicit, or seeking to otherwise introduce testimonial statements from non-testifying witnesses, “The Confrontation Clause bars ‘admission of testimonial statements of a witness who did not appear at trial unless he was unavailable to testify, and the defendant had had a prior opportunity for cross-examination.’” *United States v. Spencer*, 592 F.3d 866, 878 (8th Cir. 2010) quoting *Crawford*, 541 U.S. 36, 53-54 (2004).

Mr. Lemoine therefore respectfully requests the Court issue a ruling *in limine* prohibiting the Government from introducing any testimonial hearsay in violation of the Confrontation Clause to the United States Constitution.

Respectfully Submitted,

ANDREW IRLBECK LAWYER CHTD.

Dated: May 12, 2023

/s/ Andrew M. Irlbeck

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